

WEDNESDAY, MARCH 31, 2004

SEVENTY-SIXTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:30 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Reverend Jimmy Moore of Parkway Baptist Church in Nashville, Tennessee, a guest of Senator Haynes.

PLEDGE OF ALLEGIANCE

Senator Ketron led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder—33.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 861 with amendment, 2111, 2226 with amendment, 2713 with amendment, 3280, 3420 with amendment and 3448 with amendment; also, recommend that Senate Joint Resolution No. 27 be referred to Committee on Judiciary; and Senate Joint Resolutions Nos. 684, 685, 686, 694 and 695 be referred to Committee on Education.

HENRY, Chairperson
March 30, 2004

The Speaker announced that he had referred Senate Bills Nos. 861 with amendment, 2111, 2226 with amendment, 2713 with amendment, 3280, 3420 with amendment and 3448 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Joint Resolution No. 27 to Committee on Judiciary.

The Speaker announced that he had referred Senate Joint Resolutions Nos. 684, 685, 686, 694 and 695 to Committee on Education.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 23, 1892 with amendment, 2092 with amendment, 2115, 2264 with amendment, 2368 with amendment, 2411 with amendment, 2764, 3018 and 3293 with amendment; also, recommend that Senate Bill No. 2875 be referred to Committee on Finance, Ways and Means.

COHEN, Chairperson
March 30, 2004

The Speaker announced that he had referred Senate Bills Nos. 23, 1892 with amendment, 2092 with amendment, 2115, 2264 with amendment, 2368 with amendment, 2411 with amendment, 2764, 3018 and 3293 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2875 to Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2984 with amendment, 3388 and 3451; also, recommend that Senate Bills Nos. 477, 1352 with amendment, 2346, 2371 with amendment, 3043 and 3217 with amendment be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson
March 30, 2004

The Speaker announced that he had referred Senate Bills Nos. 2984 with amendment, 3388 and 3451 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 477, 1352 with amendment, 2346, 2371 with amendment, 3043 and 3217 with amendment to Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2207; also, recommend that Senate Bill No. 2114 be referred to Committee on Finance, Ways and Means.

McNALLY, Chairperson
March 31, 2004

The Speaker announced that he had referred Senate Bill No. 2207 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2114 to Committee on Finance, Ways and Means.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2138 with amendment, 2387 and 2725 with amendments; and Senate Joint Resolution No. 723.

FORD, Chairperson
March 31, 2004

The Speaker announced that he had referred Senate Bills Nos. 2138 with amendment, 2387 and 2725 with amendments; and Senate Joint Resolution No. 723 to Committee on Calendar.

ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend that Senate Bills Nos. 1120 with amendment, 2433 with amendment and 3412 with amendment be referred to Committee on Finance, Ways and Means.

MILLER, Chairperson
March 31, 2004

The Speaker announced that he had referred Senate Bills Nos. 1120 with amendment, 2433 with amendment and 3412 with amendment to Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2051, 2240, 2266, 2279, 2285, 2319, 2373, 2571, 2581, 2665, 2705, 2801, 2951, 2973, 2992, 2999, 3045, 3066, 3100, 3144, 3170, 3231, 3289 and 3337; and Senate Joint Resolution No. 802; also, recommend that Senate Bills Nos. 2185, 2383 and 3160 be referred to Committee on Finance, Ways and Means.

WILLIAMS, Chairperson
March 31, 2004

The Speaker announced that he had referred Senate Bills Nos. 2051, 2240, 2266, 2279, 2285, 2319, 2373, 2571, 2581, 2665, 2705, 2801, 2951, 2973, 2992, 2999, 3045, 3066, 3100, 3144, 3170, 3231, 3289 and 3337; and Senate Joint Resolution No. 802 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2185, 2383 and 3160 to Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2468, 2470 and 2490; also, recommend that Senate Bill No. 2887 be referred to Committee on Finance, Ways and Means; and Senate Bill No. 3234 be referred to Committee on General Welfare, Health and Human Resources.

HARPER, Chairperson
March 31, 2004

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The Speaker announced that he had referred Senate Bills Nos. 2468, 2470 and 2490 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2887 to Committee on Finance, Ways and Means.

The Speaker announced that he had referred Senate Bill No. 3234 to Committee on General Welfare, Health and Human Resources.

PRESENTATIONS

Senator Harper introduced Morgan Burke who sang for the Senate.

Senator Cooper presented **Senate Joint Resolution No. 649** to Mr. Steve Adams.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator McNally as Speaker pro tempore.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3493 by Mr. Speaker Wilder.

Hornsby -- Subject to local approval, removes provision for election of marshal and combines the office of treasurer and recorder. Amends Chapter 112 of the Private Acts of 1920 (Ex. Sess.); as amended.

Senate Bill No. 3494 by Senator Ketron.

Maury County -- Subject to local approval, permits legislative body of Maury County by resolution to authorize the foreman of the grand jury to appoint a part-time clerk to handle administrative duties for the grand jury and to compensate the clerk at a rate equal to the compensation paid to the guard of the grand jury; repeals Chapter 209 of the Public Acts of 1937 and Chapter 651 of the Private Acts of 1947.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 857 -- Financial Disclosure -- Allows campaign financial disclosure statements to be submitted without being notarized. Amends TCA Section 2-10-104.

House Bill No. 2063 -- Utilities, Utility Districts -- Revises manner of filling vacancies of board of commissioners of water utility district having less than 1,600 subscribers located in Lawrence County. Amends TCA Section 7-82-307.

House Bill No. 2212 -- Fees -- Increases fee paid to county clerk for titling a motor vehicle from \$3.00 to \$5.50; increases fee for funding computerized titling and registration system from

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\$1.00 to \$2.00 and deletes sunset provision of such fee from June 30, 2004, to until completion of such system. Amends TCA Title 55 and Chapter 459 of the Public Acts of 1999.

House Bill No. 2214 -- Highway Signs -- "Admiral Fran McKee Memorial Bridge", Duck River, U.S. Highway 43 in Maury County.

House Bill No. 2581 -- Hospitals and Health Care Facilities -- Enacts the "Tennessee Health Care Decisions Act". Amends and repeals appropriate portions of TCA Title 32, Chapter 11; Title 33; Title 34 and Title 68.

House Bill No. 2678 -- Bonds and Undertakings, Regulation of -- Places certain requirements on negotiated utility district bond transactions in excess of \$50,000,000. Amends TCA Title 7, Chapter 82, Part 5.

House Bill No. 3097 -- Highway Signs -- "Nathan Odom Memorial Bridge", Sugar Creek on S.R. 166 in Maury County.

House Bill No. 3098 -- Highway Signs -- "Charles C. Beard Memorial Bridge", State Bridge No. 60-03209-.19 on S.R. 6 in Maury County.

House Bill No. 3440 -- Courts, General Sessions -- Deletes authority of Robertson County general sessions courts judges to hire their own court officers. Amends TCA Section 8-8-201.

House Bill No. 3570 -- Monroe County -- Subject to local approval, places responsibility of issuing, administering and enforcing building permits with County Codes Enforcement Officer instead of County Clerk. Amends Chapter 82 of the Private Acts of 1965.

House Bill No. 3581 -- Richard City -- Subject to local approval, authorizes board of trustees of Richard City and Deptford Independent School District, a special school district, by resolution to sell to the United States of America a \$2,000,000 bond for funding for district. Amends Chapter 93 of the Private Acts of 1920.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 3491 held on desk.

Senate Bill No. 3492 referred to Committee on Commerce, Labor and Agriculture.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 885 by Senator McNally.
Memorials, Death -- Nealie Roseberry Wrights.

Senate Joint Resolution No. 886 by Senator Harper.
Memorials, Professional Achievement -- Tina Foxx.

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Senate Joint Resolution No. 887 by Senator Miller.

Constitutional Amendments -- Proposes an amendment to Article XI of the Constitution of the State of Tennessee to define marriage as a contract between one man and one woman.

Senate Joint Resolution No. 888 by Senator Trail.

Memorials, Retirement -- Emil Hassan.

Senate Joint Resolution No. 889 by Senator Trail.

Memorials, Sports -- MTSU Lady Raiders Basketball Team, 2004 Sun Belt Conference Champions.

Senate Joint Resolution No. 890 by Senator Jackson.

Memorials, Public Service -- Laura May, Prudential Spirit of Community Award.

Senate Joint Resolution No. 891 by Senator Crowe.

Memorials, Death -- Tom Hodge.

Senate Joint Resolution No. 892 by Senator Crowe.

Memorials, Professional Achievement -- Laura Matney, Southern District Elementary School Physical Educator of the Year.

Senate Joint Resolution No. 893 by Senator Crowe.

Memorials, Public Service -- James Ronald Sechrist, founder of Sechrist Industries.

Senate Joint Resolution No. 894 by Senator Crowe.

Memorials, Death -- James Edward "Chip" McMahan.

Senate Joint Resolution No. 895 by Senator Crowe.

Memorials, Public Service -- E. Keith Johnson, ETSU Veterans' Affairs Coordinator.

Senate Resolution No. 147 by Senator Kilby.

Memorials, Academic Achievement -- Rebecca Jane Dailey, Valedictorian, Roane County High School.

Senate Resolution No. 148 by Senator Kilby.

Memorials, Academic Achievement -- Cara Williams, Salutatorian, Jellico High School.

Senate Resolution No. 149 by Senator Kilby.

Memorials, Academic Achievement -- Jessica Terry, Valedictorian, Jellico High School.

Senate Resolution No. 150 by Senator Kilby.

Memorials, Academic Achievement -- John Paul Plattfoot, Valedictorian, Roane County High School.

Senate Resolution No. 151 by Senator Dixon.

Memorials, Death -- Mary Frances Robinson.

Senate Resolution No. 152 by Senator Dixon.

Memorials, Recognition -- 44th anniversary of Sit-ins.

Senate Resolution No. 153 by Senator Kurita.

Memorials, Academic Achievement -- Jordan Claire Knowis, Valedictorian, Montgomery Central High School.

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Senate Resolution No. 154 by Senator Kurita.

Memorials, Academic Achievement -- Bhavika Harivadan Patel, Salutatorian, Kenwood High School.

Senate Resolution No. 155 by Senator Kurita.

Memorials, Academic Achievement -- Candice Moreland, Salutatorian, Northwest High School.

Senate Resolution No. 156 by Senator Kurita.

Memorials, Academic Achievement -- James William Henry Howard, Valedictorian, Northwest High School.

Senate Resolution No. 157 by Senator Kurita.

Memorials, Academic Achievement -- Jae-Seung Lee, Valedictorian, Kenwood High School.

Senate Resolution No. 158 by Senator McNally.

General Assembly, Statement of Intent or Position -- Urges Secretary of Health and Human Services and Tennessee congressional delegation to take necessary steps to stop sale and importation of prescription drugs and controlled substances over the Internet.

RESOLUTIONS LYING OVER

House Joint Resolution No. 839 -- Naming and Designating -- "National Marina Day",

August 14, 2004.

The Speaker announced that he had referred House Joint Resolution No. 839 to Committee on State and Local Government.

House Joint Resolution No. 982 -- Naming and Designating -- "Ramp Festival Day",

Sunday, May 2, 2004.

The Speaker announced that he had referred House Joint Resolution No. 982 to Committee on State and Local Government.

House Joint Resolution No. 1032 -- Naming and Designating -- August 7, 2004, "World

Health Day" in Tennessee.

The Speaker announced that he had referred House Joint Resolution No. 1032 to Committee on State and Local Government.

Senate Joint Resolution No. 881 -- Memorials, Personal Achievement -- Luther Masingill,

Tennessee Association of Broadcasters' 2004 Distinguished Service Award.

The Speaker announced that he had referred Senate Joint Resolution No. 881 to Committee on Calendar.

Senate Joint Resolution No. 882 -- Naming and Designating -- "Police Memorial Day", May

15, 2004, "Police Memorial Week", May 10-16, 2004.

The Speaker announced that he had referred Senate Joint Resolution No. 882 to Committee on State and Local Government.

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Senate Joint Resolution No. 883 -- Memorials, Professional Achievement -- Patty Littlejohn, 2003 Presidential Award for Excellence in Mathematics and Science Teaching.

The Speaker announced that he had referred Senate Joint Resolution No. 883 to Committee on Calendar.

Senate Joint Resolution No. 884 -- Memorials, Academic Achievement -- Andrew Wyatt Smith, Valedictorian, Bledsoe County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 884 to Committee on Calendar.

Senate Resolution No. 146 -- Memorials, Academic Achievement -- Jill Anne Neblett, Salutatorian, Montgomery Central High School.

The Speaker announced that he had referred Senate Resolution No. 146 to Committee on Calendar.

CONSENT CALENDAR

House Joint Resolution No. 1007 -- Memorials, Death -- Julia Fandrich.

House Joint Resolution No. 1008 -- Memorials, Professional Achievement -- Patty Littlejohn, 2003 Presidential Award for Math and Science Teaching.

House Joint Resolution No. 1010 -- Memorials, Congratulations -- Heather Pearson, Mule Day Queen 2004.

House Joint Resolution No. 1015 -- Memorials, Death -- Hubert D. Yancey.

House Joint Resolution No. 1016 -- Memorials, Congratulations -- Pope John Paul II High School women's soccer team.

House Joint Resolution No. 1017 -- Memorials, Congratulations -- Hendersonville High School women's soccer team.

House Joint Resolution No. 1018 -- Memorials, Personal Achievement -- James Clinton Denny IV, Eagle Scout.

House Joint Resolution No. 1019 -- Memorials, Personal Achievement -- Nikolas Linas Adams, Eagle Scout.

House Joint Resolution No. 1020 -- Memorials, Personal Achievement -- Michael Ryan Smith, Eagle Scout.

House Joint Resolution No. 1021 -- Memorials, Personal Achievement -- Paul Arthur Hatcher, Jr., Eagle Scout.

House Joint Resolution No. 1022 -- Memorials, Personal Achievement -- Mathew R. Smith, Eagle Scout.

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House Joint Resolution No. 1023 -- Memorials, Personal Achievement -- Matthew Adrian Grobe, Eagle Scout.

House Joint Resolution No. 1025 -- Memorials, Retirement -- Pat Ingram, Loudon County Administrator of Elections.

Senate Joint Resolution No. 879 -- Memorials, Congratulations -- Maytag Jackson Dishwashing Plant, Shingo Award.

Senate Joint Resolution No. 880 -- Memorials, Death -- Rebecca Sue Cochran Pinion.

Senate Resolution No. 144 -- Memorials, Academic Achievement -- Rebecca J. McClure, Salutatorian, Clarksville High School.

Senate Resolution No. 145 -- Memorials, Academic Achievement -- Thomas Kim, Valedictorian, Clarksville High School.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

CALENDAR

Senator Crowe moved that **Senate Bill No. 2304** be placed at the heel of the calendar for today, which motion prevailed.

Senate Bill No. 2684 -- Codes -- Authorizes local governments to use amended versions of regional or national building codes; such amended versions to be construed to be as stringent as codes upon which they are based. Amends TCA Section 68-120-101.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-120-101(a)(2), is amended by adding the following language after the word "publications" and before the words "of nationally recognized":

or amended versions

SECTION 2. Tennessee Code Annotated, Section 68-120-101(b)(2), is amended by adding the following new subdivision:

(C) Amended versions of the publications referred to in subsections (a)(2) and (b)(2)(A) shall be designed to afford a reasonable degree of safety to life and property from fire and hazards incident to the design, construction, alteration, and repair of buildings or structures within the jurisdiction.

SECTION 3. Tennessee Code Annotated, Section 68-120-101(b)(4)(A), is amended by deleting the words and figure "six (6) years" and by substituting instead the words and figure "seven (7) years".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2684**, as amended, passed its third and final consideration by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Southerland, Trail and Williams--27.

A motion to reconsider was tabled.

Senate Bill No. 3008 -- DNA and Genetic Testing -- Removes process for state payment of expenses associated with DNA testing of post-conviction petitioners from the criminal injuries compensation fund. Amends TCA Section 29-13-116 and Section 40-30-313.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 3 of the printed bill and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 40-30-313, is amended by deleting the section in its entirety and by substituting instead the following:

§ 40-30-313. If an order is issued requiring a DNA analysis be paid on behalf of a petitioner pursuant to this part, then the payment shall be made from funding provided for indigent defendants' counsel as set forth within the annual appropriations act. Such payment shall be made only after receipt by the administrative director of the courts of a certified copy of the order and only upon receipt of a bill from the laboratory that conducted the analysis. The bill shall set forth the name of the petitioner, the date the analysis was performed, the amount of the bill, and the name and address of the laboratory to which payment is to be made.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3008**, as amended, passed its third and final consideration by the following vote:

Ayes	27
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail and Williams--27.

Senator present and not voting was: Cohen--1.

A motion to reconsider was tabled.

Senator Crowe moved that **Senate Bill No. 3340** be moved seven places down on the calendar for today, which motion prevailed.

Senator Miller moved that **Senate Bill No. 2661** be moved seven places down on the calendar for today, which motion prevailed.

Senate Bill No. 2722 -- Parks, Natural Areas Preservation -- Modifies physical description of Lucius E. Burch, Jr. Natural Area in Shelby Farms Forest Park; requires department to promulgate rules to establish mechanism for public comment on proposed alterations or additions to natural areas. Amends TCA Title 11, Chapter 14.

Senator Miller moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 11-14-108(b)(1)(N), is amended by deleting such subdivision in its entirety and by substituting instead the following language:

(N) Shelby Farms Forest - Lucius E. Burch, Jr. Natural Area. An area of approximately seven hundred eighty-eight and thirty-three one-hundredths (788.33) acres located within Shelby Farms Forest Park in Shelby County. This coastal plain site includes areas of bottomland hardwood/bald cypress-tupelo forest and forested wetland communities along the northeasterly and northerly sides of the Wolf River and provides habitat for plant and animal species in need of conservation. The seven hundred eighty-eight and thirty-three one-hundredths (788.33) acre natural area includes two (2) separate forest areas: an approximately four hundred thirteen and seventy-five one-hundredths (413.75) acre bottomland hardwood/bald cypress-tupelo swamp forest north of Walnut Grove Road, and an approximately three hundred seventy-four and fifty-eight one-hundredths (374.58) acre mature bottomland hardwood/bald cypress forest south of Walnut Grove Road. Such description is more particularly described in a survey prepared by Dickinson & Bennett, Inc., for Shelby County Government on November 5, 2003.

SECTION 2. Tennessee Code Annotated, Section 11-14-107, is amended by adding the following language at the end of the section:

The department shall give notice to the public and an opportunity for public comment on any proposal to designate a new natural area or to modify the acreage of any designated natural area.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2722**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senator Burchett moved that **Senate Bill No. 3219** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Burchett moved that **Senate Bill No. 3233** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 3259 -- Real Property -- Requires that contracts for home loans made by a nonprofit lender with a zero interest rate include language that prohibits refinancing the loan without the prior, written approval of the local board of directors of the nonprofit organization which financed the loan. Amends TCA Title 45; Title 47 and Title 66.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 4, is amended by adding the following language as a new section to be designated as follows:

66-4-106. (a) All contracts for home loans made by a governmental or nonprofit lender with a zero (0) interest rate or low interest rate loan must contain the following language:

This zero interest or low interest rate loan cannot be refinanced, replaced or consolidated without the prior, written approval of the local board

of directors of the governmental or nonprofit lender which financed the loan so long as this initial, zero interest or low interest rate loan is in existence.

(b) For purposes of this section, a low interest rate loan is defined as a home loan that carries a current interest rate that is two (2) percentage points or more below the current yield on United States Treasury securities with a comparable maturity.

(c) Each mortgage or deed of trust securing a zero (0) interest or low interest rate loan shall state on the face of the instrument prominently displayed:

THIS INSTRUMENT SECURES A ZERO INTEREST OR LOW INTEREST RATE LOAN AS DEFINED UNDER TENNESSEE CODE ANNOTATED, SECTION 66-4-106 AND IS SUBJECT TO THE RESTRICTIONS THEREIN.

(d) A lender may reasonably rely on such statement or lack thereof appearing on the face of the instrument as conclusive proof of the existence or non-existence of a zero (0) interest or low interest rate loan.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Dixon moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the words "governmental or," immediately preceding the word "nonprofit," anywhere such words appear in Section 1(a).

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 3259**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senate Bill No. 2205 -- Education -- Requires use of a uniform grading system in grades 9-12. Amends TCA Title 49, Chapter 1 and Title 49, Chapter 6.

Senator Burks moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Section 49-1-302(a), is amended by adding the following language as a new, appropriately designated subdivision:

() The general assembly finds that, given the fact that the state provides substantial financial academic assistance to students of the state based on cumulative grade point averages and the fact that LEAs currently use a variety of grading scales, it is in the best interest of the students of the public schools that a uniform grading system be developed and adopted by the state board of education to be implemented in all public schools of the state. Therefore, the state board of education is directed to establish a task force comprised of superintendents, principals, teachers, and representatives of school boards and higher education no later than June 30, 2004. The task force shall make recommendations to the board including, but not limited to, the following: consistent numerical breaks for letter grades; consideration of standards to define an honors course; appropriate weighting of courses; and determination of courses and weightings to be used in the calculation of class rank. The task force shall report its findings to the state board of education no later than December 31, 2004. The state board of education is authorized to promulgate rules and regulations for the administration of this section. The comptroller's office of education accountability is directed to evaluate the uniform grading system four (4) years after its implementation and to report its findings to the education oversight committee of the general assembly. Such evaluation shall include an analysis of the relationship of grade point averages to ACT and SAT scores of high school students.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following language as a new, appropriately designated section:

49-6-407. Each LEA shall adopt and use the uniform grading system developed by the state board of education for students enrolled in grades nine through twelve (9-12). Students' grades shall be reported for the purposes of application for postsecondary financial assistance administered by the Tennessee student assistance corporation using the uniform grading system.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2205**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senate Bill No. 2181 -- Medical Occupations -- Sets criteria for surgical technologists; grandfathers persons performing surgical technology; imposes penalties upon health care facilities that fail to comply with act. Amends TCA Title 68.

On motion, Senate Bill No. 2181 was made to conform with **House Bill No. 2232**.

On motion, House Bill No. 2232, on same subject, was substituted for Senate Bill No. 2181.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 5 of this act as a new chapter thereto.

SECTION 2. (a) Individuals employed to be surgical technologists must:

(1) Hold current national certification established by the Liaison Council on Certification for the Surgical Technologist (LCC-ST);

(2) Have completed a program for surgical technology accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP);

(3) Have completed an appropriate training program for surgical technologists in the armed forces or at an accredited hospital or accredited ambulatory surgical treatment center. For the purposes of this act, "armed forces" means the army, navy, air force, marine corps, coast guard, or public health service of the United States; or

(4) Successfully complete the surgical technologists certifying exam.

(b) Any student who completes a surgical technology program that is in the process of becoming CAAHEP accredited upon the effective date of this act shall be considered a graduate of a CAAHEP accredited program.

SECTION 3. (a) In addition to individuals identified in Section 2 of this act, a person may be employed upon providing sufficient evidence that, prior to the effective date of this act, the person has begun training to be a surgical technologist, or was at any time employed as a surgical technologist for not less than eighteen (18) months in a hospital, medical office, surgery center, or school.

(b) Notwithstanding any provision of law to the contrary, a surgical technologist in the service of the federal government is exempt from the provisions of this act while performing duties related to such employment.

SECTION 4. The license of a hospital, ambulatory surgical treatment center, or other such entity that violates any provision of this act may be subject to penalties imposed by the board for licensing health care facilities pursuant to § 68-11-207.

SECTION 5. A hospital, ambulatory surgical treatment center, or other such entity can petition the director of health care facilities of the department for a waiver from the provisions of this act if such entity is unable to employ a sufficient number of surgical technologists who meet the requirements of this act. The hospital, ambulatory surgical treatment center, or other such entity must demonstrate to the director that a diligent and thorough effort has been made to employ surgical technologists who meet the requirements of this act. The director shall refuse to grant a waiver upon finding that a diligent and thorough effort has not been made. A waiver shall exempt a facility from the provisions of this act for not more than six (6) months. Additional waivers may be granted, but all exemptions greater than twelve (12) consecutive months must be approved by the board.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2006, the public welfare requiring it, including requirements set forth in this act for persons seeking employment as surgical technologists.

On motion of Senator Kurita, Amendment No. 1 to Amendment No. 1 was withdrawn.

Senator Ford moved to amend as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 1

AMEND by deleting subdivisions (3) and (4) of Section 2(a) and by substituting instead the language:

(3) Have completed an appropriate training program for surgical technologists in the armed forces or at a CAAHEP accredited hospital or CAAHEP accredited ambulatory surgical treatment center program. For the purposes of this act, "armed forces" means the army, navy, air force, marine corps, coast guard, or public health service of the United States; or

(4) Successfully complete the surgical technologists LCC-ST certifying exam.

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, **House Bill No. 2232**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

NOTICE

Pursuant to Rule 44, notice was given that the following bill was returned from the House of Representatives amended. Under the rule, the bill lies over.

MESSAGE FROM THE HOUSE

March 29, 2004

MR. SPEAKER: I am directed to return Senate Bill No. 3212. The House refused to recede from its action in adopting House Amendments Nos. 45, 48, 10 and 49.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Kyle moved that Rule 44 be suspended for the immediate consideration of **Senate Bill No. 3212**, as amended, out of order, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3212 -- Lottery, Charitable -- Enacts the "Tennessee Charitable Gaming Implementation Law".

Senator Kyle moved that the Senate refuse to recede from its action in nonconcurring in House Amendments Nos. 10, 45, 48 and 49 to **Senate Bill No. 3212**, as amended, which motion prevailed.

Senator Kyle moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **Senate Bill No. 3212**, as amended, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
SENATE BILL NO. 3212, AS AMENDED**

The Speaker announced the appointment of a Conference Committee composed of Senators Kyle, Chairperson; Atchley, Cohen, Graves and Ketron to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 3212, as amended.

MOTION

Senator Crutchfield moved that the schedule for Thursday, April 1, 2004, be amended to allow the Senate to meet at 8:30 a.m. and to adjourn by 10:30 a.m., which motion prevailed.

CALENDAR

Senate Bill No. 3340 -- Insurance, Health, Accident -- Enacts the "Health Insurance Mandated Benefits Review Act". Amends TCA Title 3 and Title 56.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 7, is amended by deleting Section 3-2-111 in its entirety and by substituting instead the following new language:

3-2-111. (a) As used in this section, unless the context otherwise requires:

(1) "Mandated health benefit" means a benefit or coverage that is proposed to be required by law or that is required by law to be offered or provided by a health insurance issuer including, but not limited to, coverage for or the offering of specific health care services, treatments, diagnostic tests or practices; and

(2) "Health insurance issuer" means any entity subject to the insurance laws of this state or subject to the jurisdiction of the Department of Commerce and Insurance that contracts or offers to contract to provide health insurance coverage, including, but not limited to, an insurance company, a health maintenance organization, or a non-profit hospital and medical service corporation.

(b) As of January 2, 2005, upon the completion of all bill filing deadlines in both the House and Senate of each year, legislation containing a mandated health benefit shall be referred to the fiscal review committee in order that it may evaluate the legislation's potential impact on the cost of health insurance premiums.

(1) To the extent that resources are otherwise available, the fiscal review committee may conduct research; receive testimony of experts; receive technical assistance from health insurance issuers; review for purposes of comparison, the mandated health benefits upon health insurance issuers in other states and jurisdictions and the effects of such mandates; and take other actions it determines appropriate for the completion of the assigned tasks. The fiscal review committee may receive pertinent data from health insurance issuers and from advocates of mandated benefits. Notwithstanding the provisions of Tennessee Code Annotated, Title 10, Chapter 7, Part 1, such data will be held as confidential by the fiscal review committee.

(2) The fiscal review committee may draw on existing expertise within the Departments of Health, Commerce and Insurance, Finance and Administration, the TennCare Bureau, and any other state agency or official, to perform these functions. If the fiscal review committee determines that additional resources are needed to evaluate fully a proposal, such request shall be directed to the Finance, Ways and Means Committees of the Senate and House of Representatives for consideration of funding as an amendment to the General Appropriations Act.

(3) The fiscal review committee shall, no later than March 15 of the year in which the legislation is filed, attach to such legislation a statement on the proposed mandated benefit's impact on the premiums for health insurance coverage in Tennessee, especially for employees of companies employing fewer than fifty (50) employees. If the impact cannot be reasonably determined without additional resources, a statement to that effect, including the amount of additional resources needed, shall be included. The impact statement shall be available for the appropriate legislative committee when considering such proposal.

(4) Nothing in this section shall be construed to prohibit any health insurance issuer from voluntarily expanding or eliminating coverage nor to prohibit any individual or employer from electing to expand or eliminate coverage on any health maintenance organization contract or individual or group health insurance policy or contract covering the individual, the employer or employees of the employer, as applicable.

(c) The fiscal review committee is encouraged to inquire into and make recommendations with respect to the costs of:

(1) Each and every state and federally mandated health benefit placed upon health insurance issuers in Tennessee since 1990; and

(2) The impact of each such mandated health benefit on the premiums for health insurance coverage in Tennessee, especially on employees of companies with fewer than fifty (50) employees.

(3) In accordance with this subsection, the fiscal review committee is encouraged to make a final report with recommendations to the general assembly no later than January 1, 2006.

(4) The fiscal review committee may draw on existing expertise within the Departments of Health, Commerce and Insurance, Finance and Administration, the TennCare Bureau, and any other state agency or official, to perform these functions. If the fiscal review committee determines that additional resources are needed to evaluate fully a proposal, such request shall be directed to the Finance, Ways and Means Committees of the Senate and House of Representatives for consideration of funding as an amendment to the General Appropriations Act.

SECTION 2. The fiscal review committee shall perform its duties under this act within its existing budgeted resources unless additional resources are provided in the General Appropriations Act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3340**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--32.

A motion to reconsider was tabled.

Senate Bill No. 2661 -- Marriage -- Prohibits this state from legally recognizing civil unions and domestic partnerships involving individuals of the same sex that were entered into in another state. Amends TCA Section 36-3-113.

Senate Bill No. 2661 passed its third and final consideration by the following vote:

Ayes 27
Noes 2
Present, not voting . . . 4

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Fowler, Graves, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

Senators voting no were: Cohen and Ford--2.

Senators present and not voting were: Dixon, Harper, Henry and Kyle--4.

A motion to reconsider was tabled.

**STATEMENT OF SENATOR MARK NORRIS
PURSUANT TO RULE 61**

March 31, 2004

Senator Kyle says let's not borrow trouble by voting today. Let's delay. But if you borrow time by delaying, that's how you borrow trouble.

The policy of this State is to defend the sanctity of marriage "as essential to social and economic order and the common good and as the fundamental building block of our society."

The defense of marriage act speaks to marriage; it doesn't speak to civil unions; it should. Because unless it does so, then marriage may fall by the wayside in favor of civil unions. And if marriage falls by the wayside, so does our society. The Senator says let's not reach out into the dark and vote for this. I say, reach out for the light and support the defense of marriage by supporting Senate Bill No. 2661.

CALENDAR

WEDNESDAY, MARCH 31, 2004 -- 76TH LEGISLATIVE DAY

Senate Bill No. 2596 -- Hospitals and Health Care Facilities -- Requires hospitals licensed by the Department of Health and the Department of Mental Health and Developmental Disabilities to

report certain statistics concerning patients within certain time frames. Amends TCA Section 68-11-310.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "receipt of" in subdivision (a)(3) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 68-11-310(b), is amended by deleting the language "and when such report is to be filed" and substituting the language "but may request early completion of the report, portions of the report or special reports when requested to do so by the office of the comptroller or at other times, but only after consultation with the Tennessee Hospital Association".

AND FURTHER AMEND by deleting the language "August 15" and by substituting instead the language "November 1" in the amendatory language of Section 4.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2596**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 2666 -- Veterinarians -- Authorizes temporary licenses be granted to veterinarians who have completed four years of clinical studies and are enrolled in a foreign veterinary program. Amends TCA Title 63, Chapter 12.

On motion, Senate Bill No. 2666 was made to conform with **House Bill No. 2839**.

On motion, House Bill No. 2839, on same subject, was substituted for Senate Bill No. 2666.

Thereupon, **House Bill No. 2839** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

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Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 2833 -- Tennessee Bureau of Investigation -- Authorizes the Department of Children's Services to request that a criminal justice agency conduct a name-based criminal history check on adult residents of the home in which a child is placed during an emergency situation and requires the TBI to positively identify the residents by fingerprint analysis. Amends TCA Section 37-2-415.

On motion, Senate Bill No. 2833 was made to conform with **House Bill No. 2813**.

On motion, House Bill No. 2813, on same subject, was substituted for Senate Bill No. 2833.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting from subdivision (D) of the amendatory language of Section 1 the language "As used in this section, "emergency placement" refers to" and substituting instead the language "As used in this section, "emergency situation" refers to".

AND FURTHER AMEND by adding the following new subdivision (D) to the amendatory language of Section 1 and by lettering present subdivision (D) to be (E):

(D) The Tennessee Bureau of Investigation and the Federal Bureau of Investigation may each charge a reasonable fee not to exceed seventy dollars (\$70) for processing a fingerprint-based criminal history record check pursuant to this subdivision.

On motion, Amendment No. 1 was adopted.

Senator Trail moved that **House Bill No. 2813**, as amended, be moved three places down on the calendar for today, which motion prevailed.

Senate Bill No. 3127 -- Safety -- Changes expiration date of emergency medical service licenses from December 31 of the year issued to June 30 of the year after issued, requires that all ambulances, including aircraft, be licensed by removing exception for individual aircraft, and removes \$25.00 reinstatement fee for expired licenses but allows the board to establish the fee by rule. Amends TCA Title 68, Chapter 140, Part 5.

On motion, Senate Bill No. 3127 was made to conform with **House Bill No. 3192**.

On motion, House Bill No. 3192, on same subject, was substituted for Senate Bill No. 3127.

On motion of Senator Ford, Amendment No. 1 was withdrawn, which motion prevailed.

Thereupon, **House Bill No. 3192** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senate Bill No. 3214 -- Public Health -- Exempts from fees certain nonprofit air ambulance services for indigent patients; requires commercial pilot license for providers of such air ambulance services. Amends TCA Title 68, Chapter 140.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-140-517, is amended by designating the existing language of subsection (a) as subdivision (1) and by adding a new subdivision thereto, as follows:

(2) The EMS board shall have the authority to waive any fees applicable to 501(c)(3) organizations that provide air ambulance service by way of fixed-wing aircraft for indigent patients. Provided, that such 501(c)(3) organizations shall not receive fee for service payments for such air ambulance services for indigent patients from insurance, private pay or third party reimbursement.

SECTION 2. Tennessee Code Annotated, Section 68-140-507, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

(b) Services performed by fixed-wing air ambulance organizations that are provided without compensation pursuant to Section 68-140-517(a)(2) shall be conducted under F.A.R. Part 91 of the Federal Air Regulations. Pilots of such aircraft shall possess a commercial certificate with instrument rating.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3214**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron,

WEDNESDAY, MARCH 31, 2004 -- 76TH LEGISLATIVE DAY

Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 3229 -- Criminal Offenses -- Creates Class A misdemeanor offense of "tongue splitting" by a person other than a licensed physician. Amends TCA Title 62, Chapter 38, Part 3.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting subsection (c) of the amendatory language of Section 1 and by substituting instead the following:

(c) A violation of this section is a Class A misdemeanor punishable only by a fine.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3229**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 2813, AS AMENDED

Thereupon, **House Bill No. 2813**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senate Bill No. 3258 -- Day Care -- Requires vehicles transporting children for a child care center to be equipped with a security alarm system. Amends TCA Title 49 and Title 71.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the amendatory language of Section 1 and by substituting instead the following:

(iii) The department shall also promulgate rules providing that on and after January 1, 2005, all vehicles used by a child care center to provide transportation of children for the center that are designed to transport six (6) or more passengers shall be equipped with a security alarm system. The system shall prompt staff to inspect the vehicle for children before an alarm sounds.

On motion of Senator Person, Amendment No. 1 to Amendment No. 1 was withdrawn.

Senator Person moved to amend as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 1

AMEND by deleting the following language:

(iii) The department shall also promulgate rules providing that on and after January 1, 2005, all vehicles used by a child care center to provide transportation of children for the center that are designed to transport six (6) or more passengers shall be equipped with a security alarm system. The system shall prompt staff to inspect the vehicle for children before an alarm sounds.

and by substituting instead the following language:

(iii) The department shall also promulgate rules providing that, on and after January 1, 2005, all vehicles used by a child care center to provide transportation of children for the center, that are designed to transport six (6) or more passengers, shall be equipped with a child safety monitoring device which shall prompt staff to inspect the vehicle for children before an alarm sounds.

Pursuant to Rule 39(3), Amendment No. 2 to Amendment No. 1 was adopted by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

Thereupon, Amendment No. 1, as amended, was adopted by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

Thereupon, **Senate Bill No. 3258**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--29.

Senator present and not voting was: Norris--1.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

Senate Bill No. 3400 -- Transportation, Dept. of -- Allows department to conduct studies to determine whether disadvantaged groups are underutilized on construction projects. Amends TCA Title 4, Chapter 3, Part 23.

Senator Williams moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-2305, is amended by adding the following language:

(c) It being in the public interest and for a public purpose to support the participation of small businesses in department contracts, the department is authorized to establish the programs described herein to assist small businesses to participate in department contracts, either as a prime or as a subcontractor. For the purposes of this section, small business shall be defined as certified disadvantaged business enterprises as defined by 49 Code of Federal Regulations Part 26 and business enterprises that satisfy all the requirements of a disadvantaged business enterprise under Part 26, including but not limited to requirements of business size and net worth of owners, other than the requirement that the owners of the business qualify as a member of the groups identified in subsection 2 of the definition of socially and economically disadvantaged individuals in 49 Code of Federal Regulations Part 26.5. The commissioner may promulgate rules to implement the purpose of this section.

(1) The department is authorized to conduct studies to determine whether any group consisting of socially and economically disadvantaged individuals as defined in 49 Code of Federal Regulations Part 26 is

underutilized on state funded construction projects. In the event underutilization is documented and any other necessary findings are made, the commissioner may elect to set appropriate goals on state funded projects.

(2) The department is authorized to offer construction management development programs for small businesses and may charge a fee for the programs.

(3) The department is authorized to create and implement a surety bond guarantee program for small businesses to act as subcontractors on department construction projects. The state may guarantee up to ninety percent (90%) of a surety bond amount of two hundred fifty thousand dollars (\$250,000) or less and up to eighty percent (80%) of a surety bond amount greater than two hundred fifty thousand dollars (\$250,000) if such surety bond is provided by an approved surety. The department may be entitled to receive a fee from a participating small business and may require any participating small business to set aside part of the subcontract amount as security for the surety bond or guarantee. The department shall promulgate rules to effectuate this subsection. In no event shall the total amount guaranteed under this program at any given time exceed five million dollars (\$5,000,000). The department is authorized to expend funds from the highway fund to fund administrative expenses and fund any losses that may arise under the surety bond guarantee program.

(4) The commissioner shall report annually in writing on the progress of this program to the Speaker of the Senate, the Speaker of the House of Representatives, and the Governor. The report shall include, as a minimum, the number of users of the surety bond guarantee plan; the number of defaults and dollar loss; the cost of the program categorized by cost of administration; and the cost of on-the-job and classroom instruction.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3400**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Crowe moved that **Senate Joint Resolution No. 127**, as amended, be moved three places down on the calendar for today, which motion prevailed.

Senator Crowe moved that **House Bill No. 2782** be moved one place down on the calendar for today, which motion prevailed.

Senate Bill No. 2212 -- Highways, Roads and Bridges -- Creates specific offense of vandalism of roads and bridges; provides for financial incentive for reporting such vandalism. Amends TCA Title 54, Chapter 1, Part 1.

On motion, Senate Bill No. 2212 was made to conform with **House Bill No. 2197**.

On motion, House Bill No. 2197, on same subject, was substituted for Senate Bill No. 2212.

On motion of Senator Williams, Amendment No. 1 was withdrawn, which motion prevailed.

On motion of Senator Williams, Amendment No. 2 was withdrawn, which motion prevailed.

Senator Graves moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting in subsection (b)(1) of Section 54-1-134 of Section 1 the language "one hundred dollars (\$100)" and by substituting instead the language "two hundred fifty dollars (\$250)".

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 2197**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

House Bill No. 2782 -- Children -- Defines hardship for purposes of parental delegation of child care-giving authority to another adult. Amends TCA Section 34-6-302.

House Bill No. 2782 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 2260 -- Coroners -- Requires that Shelby County medical examiner be appointed by the county mayor from a list of a maximum of two doctors of medicine or osteopathy nominated by convention of the physicians (medical or osteopathic) resident in the county subject to the confirmation by a majority of the whole membership of the county legislative body. Amends TCA Section 38-7-104.

Senate Bill No. 2260 passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Mr. Speaker Wilder moved that **Senate Joint Resolution No. 127**, as amended, be moved three places down on the calendar for today, which motion prevailed.

Senate Bill No. 2453 -- Motor Vehicles -- Prohibits operation of sound amplification system in a motor vehicle that can be heard more than 50 feet from such vehicle, violation is punishable by fine only of up to \$50.00. Amends TCA Title 55, Chapter 8, Part 1.

On motion, Senate Bill No. 2453 was made to conform with **House Bill No. 2326**.

On motion, House Bill No. 2326, on same subject, was substituted for Senate Bill No. 2453.

On motion of Senator Williams, Amendment No. 1 was withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2326** passed its third and final consideration by the following vote:

Ayes	29
Noes	1
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

Senator voting no was: Kilby--1.

Senator present and not voting was: Crutchfield--1.

A motion to reconsider was tabled.

Senate Bill No. 2770 -- Water -- Authorizes Commissioner of Environment and Conservation to deny wastewater treatment discharge permit if economically feasible alternative means for disposal exists. Amends TCA Title 69, Chapter 3, Part 1.

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On motion, Senate Bill No. 2770 was made to conform with **House Bill No. 2584**.

On motion, House Bill No. 2584, on same subject, was substituted for Senate Bill No. 2770.

On motion of Senator Miller, Amendment No. 1 was withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2584** passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Williams moved that **Senate Bill No. 3103** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Ramsey moved that **Senate Joint Resolution No. 127**, as amended, be placed at the heel of the Message Calendar for today, which motion prevailed.

Senate Bill No. 2304 -- Juries and Jurors -- Requires that statement showing juror compensation also show the number of hours each day that the juror served and that the statement be available to the employer. Amends TCA Title 22, Chapter 4.

On motion, Senate Bill No. 2304 was made to conform with **House Bill No. 2906**.

On motion, House Bill No. 2906, on same subject, was substituted for Senate Bill No. 2304.

On motion of Senator Person, Amendment No. 1 was withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2906** passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

SENATE MESSAGE CALENDAR

SENATE JOINT RESOLUTION ON HOUSE AMENDMENT

Senate Joint Resolution No. 693 -- Memorials, Sports -- Fulton High School Falcons, 2003 TSSAA Class AAA Football Champions.

HOUSE AMENDMENT NO. 1

AMEND by deleting the thirteenth (13th) WHEREAS clause of the introduced resolution in its entirety and by substituting instead the following language:

WHEREAS, the laudable young men who earned that honor were Seniors Tony Martin, Brandon Wilkerson, Tylon Gibson, Justin Long, Jason Johnson, William Lewis, Shaun Layne, Josh Nelson, Maurice Merchant, Brandon Bates, Chad Kennedy, Alan Burris, Daniel Mount, and DeMarcus Stevens; Juniors Jam Fine, Demarcus Matthews, Marques Patton, Charles Davison, Antonio Martinez, Jeremiah Alsop, Cecil Lee, T.J. King, Ryan Ferguson, Darren Dave, John Newman, Ryan Engl, Willard White, Richard Kemmler, Ian Loope, and Josh Newman; Sophomores Ish Young, Chris Pitchford, Josh Freeney, Aaron Bunch, Travis Kemmler, Bradley Cooper, Ikey Lane, James Macon, Justin McDowell, Treven Capshaw, Tim Morris, Brandon Kee, John Burnette, Brandon Edington, Laray Ash, and Jamie Dechaine; and Freshmen Desmond Humphrey, Jaren Troutman, Curtis Johnson, Brandon Winters, Terry Minor, Dennis Freeney, Josh Hinch, Phillip Bates, Ashford Johnson, Dennie Rogan, Antonio Hamilton, Jamichael Mathis, Mark Brown, Chase Kennedy, Sean Reilly, and James Higgins; and

Senator Burchett moved that the Senate concur in House Amendment No. 1 to **Senate Joint Resolution No. 693**, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 112 -- Hospitals and Health Care Facilities -- Reduces from 15 months to 14 months period of time within which every health care facility licensed by board for licensing health care facilities must be inspected following date of last inspection. Amends TCA Title 68 and Title 71.

HOUSE AMENDMENT NO. 2

AMEND by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding Sections 2 and 3 of this act as a new Part 17.

SECTION 2. (a) The general assembly finds that:

(1) A disabled volunteer may be able to provide assistance in improving the services provided by Tennessee's nursing homes; and

(2) The use of a disabled volunteer in a nursing home could greatly benefit the volunteer as well.

(b) It is the intent of the general assembly in enacting this part to determine what roles and responsibilities that a volunteer with a disability could effectively assume in a nursing home and to provide for the establishment of a demonstration project to confirm the value of a disabled volunteer in a long term care facility.

SECTION 3. (a) The Commissioner of Health is hereby authorized to develop, in conjunction with representatives of the Tennessee Health Care Association, the Tennessee Disability Coalition and the Tennessee Commission on Aging and Disability, a framework that delineates the functions that a disabled volunteer could safely assume in a nursing home, to establish appropriate goals and objectives for a demonstration project and to implement and evaluate a twelve-month demonstration project.

(b) The commissioner is further authorized to identify one (1) nursing home willing to implement the demonstration project. The commissioner shall report on the effectiveness of the demonstration project to the Senate General Welfare, Health and Human Resources Committee and the House Health and Human Resources Committee no later than March 1, 2006.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

Senator Kurita moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 112**, as amended, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2286 -- Education -- Requires, under certain circumstances, each LEA to allow certain students to carry and self-administer asthma medications. Amends TCA Section 49-5-415.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-415, is amended by adding the following as a new, appropriately designated subsection:

(c) Notwithstanding any provision of this title or any other law or rule to the contrary,

(1) A LEA must permit possession and self-administration of a prescribed, metered dosage, asthma-reliever inhaler by any asthmatic student if the student's parent or guardian:

(A) Provides to the school written authorization for student possession and self-administration of the inhaler; and

(B) Provides a written statement from the prescribing health care practitioner that the student suffers from asthma and has been instructed in self-administration of the prescribed, metered dosage, asthma-reliever inhaler. The statement must also contain the following information:

(i) The name and purpose of the medication;

(ii) The prescribed dosage;

(iii) The time or times the prescribed inhaler is to be regularly administered as well as any additional special circumstances under which the inhaler is to be administered; and

(iv) The length of time for which the inhaler is prescribed.

(2) The statements required in subdivision (1) above shall be kept on file in the office of the school nurse or school administrator.

(3) The LEA shall inform the student's parent or guardian that the school and its employees and agents shall incur no liability as a result of any injury sustained by the student or any other person from possession or self-administration of the inhaler. The student's parent or guardian shall sign a statement acknowledging that the school shall incur no liability and the parent or guardian shall indemnify and hold harmless the school and its employees against any claims relating to the possession or self-administration of the inhaler. Nothing in this subsection shall be construed to relieve liability of the school or its employees for negligence.

(4) The permission for self-administration of the prescribed, metered dosage, asthma-reliever inhaler shall be effective for the school year in which it is granted and must be renewed each following school year upon fulfilling

the requirements of subdivisions (1) and (3). The LEA may suspend or revoke the student's possession and self-administration privileges if the student misuses the inhaler or makes the inhaler available for usage by any other person.

(5) Upon fulfilling the requirements of subdivision (1), an asthmatic student may possess and use the prescribed, metered dose asthma-reliever inhaler when at school, at a school-sponsored activity, or before or after normal school activities while on school properties, including school-sponsored child care or after-school programs.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

Senator Ford moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2286**, as amended, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2341 -- Planning, Public -- Provides that owner of any new subdivision development located within 1,000 feet of any existing sport shooting range must provide on plat filed with county notice stating that property is located near established shooting range and property conditioned on acceptance of annoyance or inconvenience that might be caused by shooting range activities. Amends TCA Title 13.

HOUSE AMENDMENT NO. 1

AMEND by adding the following new subsection (c) to the amendatory language of Section 1:

(c) The provisions of this section shall only apply to counties that have a planning commission and subdivision regulations.

Senator Kurita moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2341**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

HOUSE AMENDMENT NO. 2

AMEND by deleting from the first sentence of subsection (a) of the amendatory language of Section 1 the language "sport shooting range that was established, constructed or operated" and substituting instead the language "sport shooting range that was, by clear and convincing evidence, established, constructed or operated".

Senator Kurita moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2341**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

MOTION

Senator Dixon moved the Senate adjourn until 8:30 a.m., Thursday, April 1, 2004, which motion failed by the following vote:

Ayes	10
Noes	19

Senators voting aye were: Burks, Crutchfield, Dixon, Ford, Graves, Haynes, Kurita, Kyle, McLeary and Trail--10.

Senators voting no were: Atchley, Beavers, Bryson, Burchett, Clabough, Cooper, Crowe, Fowler, Harper, Henry, Ketron, Kilby, McNally, Miller, Norris, Person, Ramsey, Southerland and Williams--19.

MOTION

Senator Harper moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 886**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 886 -- Memorials, Professional Achievement -- Tina Foxx.

On motion of Senator Harper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 886** was adopted by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--28.

A motion to reconsider was tabled.

CALENDAR

Senate Joint Resolution No. 127 -- Constitutional Amendments -- Adds new provision to Article I to provide that nothing in Constitution of Tennessee secures or protects right to abortion or funding thereof, as amended.

Senator Fowler moved to amend as follows:

AMENDMENT NO. 9

AMEND by deleting in its entirety all the amendatory language from the first resolving clause, and by substituting instead the following language:

Nothing in this Constitution secures or protects a right to abortion or the funding thereof. The legislature shall have the sole authority to make and shall make such provisions for abortion as it determines reasonably necessary for victims of rape, incest, and to save the life of the mother.

SPEAKER PRO TEMPORE RELINQUISHES CHAIR

Speaker pro tempore Haynes relinquished the Chair to Senator Graves as Speaker pro tempore.

SPEAKER PRO TEMPORE RELINQUISHES CHAIR

Speaker pro tempore Graves relinquished the Chair to Senator Kyle as Speaker pro tempore.

Senator Ramsey moved for the previous question on Amendment No. 9 to **Senate Joint Resolution No. 127**, as amended, which motion failed by the following vote:

Ayes 14
Noes 12

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Crowe, Ketron, Kilby, McNally, Miller, Norris, Person, Ramsey, Southerland and Williams--14.

Senators voting no were: Burks, Clabough, Crutchfield, Fowler, Graves, Henry, Herron, Jackson, Kurita, McLeary, Trail and Mr. Speaker Wilder--12.

On motion, Amendment No. 9 was adopted.

On motion of Senator Fowler, Amendment No. 10 was withdrawn.

Senator Jackson moved to amend as follows:

AMENDMENT NO. 11

AMEND by deleting in its entirety all the amendatory language from the first resolving clause, and by substituting instead the following language:

Nothing in this Constitution secures or protects a right to abortion or the funding thereof, except that this Constitution does secure and protect the right to an abortion if a woman is a victim of rape or incest or to save the life of the mother. The legislature shall provide by law reasonable regulation of such abortions for victims of rape or incest or to save the life of the mother and any such regulation shall be valid under this Constitution if supported by a rational basis.

Senator Trail moved that Rule 39(3) be suspended for the purpose of allowing Amendment No. 11 to **Senate Joint Resolution No. 127**, as amended, be considered timely filed, which motion failed by the following vote:

Ayes 13
Noes 15

Senators voting aye were: Burks, Clabough, Cooper, Crutchfield, Graves, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, Trail and Mr. Speaker Wilder--13.

Senators voting no were: Atchley, Beavers, Bryson, Burchett, Crowe, Fowler, Henry, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland, Williams--15.

Pursuant to Rule 39(3), Amendment No. 11 failed for the lack of a two-thirds majority by the following vote:

Ayes 13
Noes 16

Senators voting aye were: Burks, Clabough, Cohen, Cooper, Crutchfield, Graves, Herron, Jackson, Kurita, Kyle, McLeary, Trail and Mr. Speaker Wilder--13.

Senators voting no were: Atchley, Beavers, Bryson, Burchett, Crowe, Fowler, Henry, Ketron, Kilby, McNally, Miller, Norris, Person, Ramsey, Southerland and Williams--16.

Thereupon, **Senate Joint Resolution No. 127**, as amended, was adopted by the following vote:

Ayes 23
Noes 6

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Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cooper, Crowe, Fowler, Graves, Henry, Jackson, Ketron, Kilby, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--23.

Senators voting no were: Clabough, Cohen, Crutchfield, Herron, Kurita and Kyle--6.

A motion to reconsider was tabled.

MOTION

On motion of Senator Jackson, his name was added as sponsor of **House Joint Resolution No. 1005**.

On motion of Senator Williams, his name was added as sponsor of **House Joint Resolution No. 1032**.

On motion of Senator Beavers, her name was added as sponsor of **Senate Bill No. 861; and House Joint Resolutions Nos. 1016 and 1017**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolutions Nos. 1018, 1019, 1020, 1022, 1023 and 1025**.

On motion of Senator Kilby, his name was added as sponsor of **House Joint Resolution No. 1015 and Senate Bill No. 3259**.

On motion of Senator Trail, his name was added as sponsor of **Senate Bills Nos. 2205, 2304 and 3259**.

On motion of Senator Ketron, his name was added as sponsor of **House Joint Resolution No. 1010; and Senate Bills Nos. 2661, 2684 and 3340**.

On motion of Senator Kyle, his name was added as sponsor of **Senate Bills Nos. 2341 and 3400**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bills Nos. 3258 and 3400**.

On motion of Senator Atchley, his name was added as sponsor of **Senate Joint Resolution No. 693**.

On motion of Senators Atchley and Burchett, their names were added as sponsors of **House Joint Resolutions Nos. 1018, 1019, 1020, 1021, 1022 and 1023**.

On motion of Senator Ramsey, his name was added as sponsor of **Senate Bill No. 1600**.

On motion of Senators Dixon, Burks, Southerland, Ketron and Cooper, their names were added as sponsors of **Senate Bill No. 2205**.

ENGROSSED BILLS

March 31, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2205, 2260, 2596, 2661, 2684, 2722, 3008, 3214, 3229, 3258, 3259 and 3340; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 31, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 879, 880 and 886; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 31, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 127, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 31, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2515, 2563, 2765, 2875, 3175, 3289, 3489, 3575, 3579 and 3580; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 31, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1027, 1028, 1029, 1030, 1033 and 1037; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 31, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3376, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 31, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2601 and 3354, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

March 30, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 1998, 2183, 2259, 2746, 3361, 3378, 3401 and 3411; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 31, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 999, 1000, 1001, 1004 and 1005; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

March 31, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 999, 1000, 1001, 1004 and 1005.

MESSAGE FROM THE GOVERNOR

March 31, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 866, 867, 868, 870 and 871; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 1, 2004: Senate Joint Resolutions Nos. 881, 883 and 884; and Senate Resolution No. 146.

This the 30th day of March, 2004.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 1, 2004: Senate Bills Nos. 861, 2111, 2226, 2331, 2368, 2411, 2713, 2764, 2783, 3280, 3293, 3448, 1161, 1884, 2100, 2446 and 3432.

This the 30th day of March, 2004.
CROWE, Chairperson.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 8:30 a.m., Thursday, April 1, 2004, which motion prevailed.